IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 2ND NOVEMBER 2007 / 11TH KARTHIKA 1929

WP(C).No. 20099 of 2007(P)

PETITIONER:

KASI MANGALATH ILLATH NARAYANAN NAMBOOTHIRI, S/O. VISHNU NAMBOOTHIRI, SANTHI NILAYAM, THIRUVANGAD, THALASSERY-3.

BY ADV. SRI.CIBI THOMAS

RESPONDENTS:
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1. VILLAGE OFFICER, RAMANTHALI VILLAGE, KUNNARU, PAYYANNUR, KANNUR DISTRICT.

2. TAHSILDAR, THALIPARAMBA, KANNUR DISTRICT.

3. THE DISTRICT COLLECTOR, KANNUR.

4. STATE OF KERALA, REP. BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM.

5. NANICHERI VEETTIL GOVINDAN NAIR, NANICHERI HOUSE, KUNNARU, RAMANTHALI, KANNUR DISTRICT.

BY ADV. SRI.M.SASINDRAN
GOVERNMENT PLEADER SRI.M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.20099/07

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: TRUE COPY OF THE ADANGAL EXTRACT SHOWING OWNERSHIP OF THE ILLAM.

EXT.P2: TRUE COPY OF THE RECEIPT ISSUED TO THE PETITIONER FOR HAVING PAID BASIC TAX FOR THE YEAR 81-82.

EXT.P2(a): TRUE COPY OF THE RECEIPT ISSUED TO THE EPTITIOENR FOR HAVING PAID BASIC TAX FOR THE YEAR 82-83.

EXT.P2(b): TRUE COPY OF THE RECEIPT ISSUED TO THE petitioner FOR HAVING PAID BASIC TAX FOR THE YEAR 85-86.

EXT.P3: `TRUE COPY OF THE RECEIPT ISSUED TO THE petitioner FOR HAVING PAID BUILDING TAX FOR THE YEAR 95-96.

EXT.P3(a): TRUE COPY OF THE RECEIPT ISSUED TO THE PETIITONER FOR HAVING PAID BUILDING TAX FOR THE YEAR 2004-05.

EXT.P3(b): TRUE COPY OF THE RECEIPT ISSUED TO THE PETTIONER FOR HAVING PAID BUILDING TAX FOR THE YEAR 2005-06.

EXT.P3(c): TRUE COPY OF THE RECEIPT ISSUED TO THE PETTIONER FOR HAVING PAID BUILDING TAX FOR THE YEAR 2006-07

EXT.P4: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DT.26.7.06.

EXT.P5: TRUE COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT DT.4.12.06.

EXT.P6: TRUE COPY OF THE NTOICE ISSUED TO THE PETITIONER BY THE 3RD RESPONDENT DT.17.4.07.

EXT.P7: TRUE COPY OF THE ORDER OF THE 5TH RESPONDENT DT.15.2.07.

//TRUE COPY//

ANTONY DOMINIC, J.
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W.P.(C) NO. 20099 OF 2007 P
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Dated this the 2nd day of November, 2007

J U D G M E N T

Ext.P7 is an order passed by the 2nd respondent declining to accept property tax from the petitioner for the reason that there is a civil dispute pending between the petitioner and the 5th respondent. It is true that as noted by the 2nd respondent, OS 90/06 filed by the petitioner is pending in Munsiff's Court, Payyannur. However, that need not stand in the way of the 2nd respondent accepting the property tax from the petitioner so long as the property stands in the name of the petitioner himself. If as a matter of fact, there is a suit and the suit is ultimately decided against the petitioner, the parties to the suit would be governed by the said judgment. But until such a judgment is rendered, petitioner is entitled to pay tax in respect of the property in his name. Therefore, if the petitioner tenders property tax in respect of the property in his name, the same shall be accepted by the 2nd respondent.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp